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2 Federal Defender  
3 DENNIS S. WAKS, Bar #142581  
Supervising Assistant Federal Defender  
3 801 I Street, 3rd Floor  
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4 Telephone: (916) 498-5700

5 Attorney for Defendant  
DANIEL WALLACE SMITH

7 IN THE UNITED STATES DISTRICT COURT  
8 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA, ) NO. CR.S. 04-0366-WBS  
11 )  
12 Plaintiff, )  
13 v. ) **STIPULATION AND ORDER RE**  
14 ) **CONTINUANCE OF STATUS HEARING AND**  
15 ) **FINDINGS OF EXCLUDABLE TIME**  
16 )  
17 ) DATE: November 23, 2005  
18 ) TIME: 9:00 a.m.  
19 ) JUDGE: Hon. William B. Shubb  
20 )  
21 )

22 DANIEL WALLACE SMITH, by and through his counsel, DENNIS S.  
23 WAKS, Supervising Assistant Federal Defender, defendant SHERYL DAVIS by  
24 and through her counsel, C. EMMETT MAHLE, and the United States  
25 Government, by and through its counsel, ROBIN R. TAYLOR, Assistant  
United States Attorney, hereby agree that the status conference set for  
October 19, 2005 be continued to November 23, 2005 at 9:00 a.m. This  
continuance is requested because the parties to this case have received  
over 1200 pages of discovery which will require additional time to  
review. The defendants in this case consent to this continuance.

26 Accordingly, all counsel, along with Mr. Smith and Ms. Davis  
27 agree that the time from October 19, 2005 through November 23, 2005  
28 should be excluded in computing the time within which trial must

1 commence under the Speedy Trial Act, §3161(h)(8)(B)(iv) and Local Code  
2 T4. [reasonable time to prepare].

3 DATED: October 11, 2005

4 Respectfully submitted,

5 QUIN DENVIR  
Federal Defender

6 /S/ Dennis S. Waks

7  
8 DENNIS S. WAKS  
Supervising Assistant Federal Defender  
Attorney for Defendant  
9 DANIEL WALLACE SMITH

10 DATED: October 11, 2005

11 /S/ Dennis S. Waks for

12  
13 EMMETT MAHLE, Esq.  
Attorney for Defendant  
14 SHERYL DAVIS

15 McGREGOR SCOTT  
United States Attorney

16 DATE: October 11, 2005

17 /S/ Dennis S. Waks for

18  
19 ROBIN R. TAYLOR  
Assistant United States Attorney

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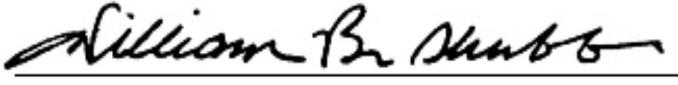
5 Attorney for Defendant  
DANIEL WALLACE SMITH

7 IN THE UNITED STATES DISTRICT COURT  
8 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA, ) NO. CR.S. 04-0366-WBS  
11 )  
12 Plaintiff, )  
13 v. ) **ORDER RE CONTINUANCE OF STATUS  
14 ) HEARING AND FINDINGS OF  
WALLACE SMITH, ) EXCLUDABLE TIME**  
15 ) DATE: November 23, 2005  
Defendant. ) TIME: 9:00 a.m.  
16 ) JUDGE: Hon. William B. Shubb  
17 )

**ORDER AND FINDINGS**

The new status conference is set for November 23, 2005 at 9:00 a.m. The court finds that the interests of justice are best served and the public interest is protected by granting the continuance in the above-captioned matter. Accordingly, time under the Speedy Trial Act is excluded from October 19, 2005, through November 23, 2005, in computing the time within which trial must commence under the Speedy Trial Act, pursuant to Title 18 U.S.C. § 3161(h)(8)(B)(iv) and Local Code T4. (reasonable time to prepare.)

26   
27 WILLIAM B. SHUBB  
28 UNITED STATES DISTRICT JUDGE

DATED: October 11, 2005